ELECTIONS — ELIGIBILITY OF JUDGE FOR NOMINATION TO OFFICE BEGINNING AFTER HIS TERM. — A judge while holding office was nominated for governor, the term to begin two days after his term as judge expired. The state constitution made a judge ineligible for any other public office during the term for which he was elected. *Held*, that the nomination is void. *State ex rel. Reynolds* v. *Howell*, 126 Pac. 954 (Wash.).

About half the courts construe the word "ineligible" to mean unqualified for nomination to office. *Demaree* v. *Scates*, 50 Kan. 275, 32 Pac. 1123; *Smith* v. *Moore*, 90 Ind. 294; *State ex rel. Taylor* v. *Sullivan*, 45 Minn. 309, 47 N. W. 802. As there is no fixed legal meaning, the ordinary meaning should be regarded. LEWIS' SUTHERLAND, STATUTORY CONSTRUCTION, § 390. It would seem that the ordinary meaning is incompetency for office. Even a court requiring competency for nomination would also require a competency at the time of taking office. If only those over thirty are eligible for a given office, this surely would not prevent a man of twenty-nine from running for it if his thirtieth birthday would come before the date of taking office. It may be argued that public policy opposes a judge running for office. But such reasoning would only apply if there was clearly ambiguity in the words, when it might be used to show the meaning which must have been intended by the makers. The meaning of eligibility, however, seems unambiguous. Competency for office may properly include a requirement of an ability at the time of nomination to be competent for a position when the time arrives. The term of office of a judge under the Washington constitution continues until his successor is elected and qualified. WASH. CONST., Art. 4, § 5. The two terms, therefore, might overlap. As the defendant cannot regulate this circumstance, he is not legally competent for the office of governor until that chance is settled.

EVIDENCE — REAL EVIDENCE — PHYSICAL EXAMINATION OF PLAINTIFF IN PERSONAL INJURY SUIT. — In an action for malpractice based upon two separate operations the plaintiff voluntarily exhibited a portion of her body upon which one of the operations was performed. The defendant requested that he be permitted through his physicians to examine the other part operated on. *Held*, that it was error to refuse this request. *Booth* v. *Andreas*, 137 N. W. 884 (Neb.).

It is held by the weight of authority that a court has discretionary power to compel one suing for physical injuries to exhibit the injured part of his body, on the ground that any right to personal immunity is subject to the demands of justice. *Schroeder* v. *Chicago, R. I. & P. Ry. Co.*, 47 Ia. 375; *Richmond & D. Ry. Co.* v. *Childress*, 82 Ga. 719, 9 S. E. 602. See 4 WIGMORE, EVIDENCE, § 2220. *Contra*, *Union Pacific* v. *Botsford*, 141 U. S. 250, 11 Sup. Ct. 1000. But even in jurisdictions not ordinarily compelling such exhibition it is held that when the plaintiff has voluntarily exhibited his injury his right to immunity is to that extent waived. *Chicago, R. I. & T. Ry. Co.* v. *Langston*, 19 Tex. Civ. App. 568, 47 S. W. 1027; *Winner* v. *Lathrop*, 67 Hun (N. Y.) 511, 22 N. Y. Supp. 516. This waiver would not seem properly to extend to an injury distinct from that which had been voluntarily exhibited. The principal case in effect holds that these injuries were in fact a single transaction. See NEB. CIV. CODE, § 339.

EXECUTORS AND ADMINISTRATORS — RIGHTS, POWERS, AND DUTIES — RIGHT OF AN EXECUTOR TO PLEAD STATUTE OF LIMITATIONS TO HIS PERSONAL DEBT TO THE ESTATE. — Petitions were filed against the defendants as executors of an estate, alleging that debts from them due to the testator had not been listed. The defendants were refused leave to amend by pleading that the Statute of Limitations had run before the testator's death, and an appeal